

Rule 14-503. Ethics and Discipline Committee.

(a) Composition. The Committee shall be appointed by the Supreme Court. The Committee shall consist of eight public members and ~~27-28~~ members of the Bar who have demonstrated a high standard of professional conduct. All appointments shall be for a term of three years. The Supreme Court shall designate one lawyer member as Committee chair and ~~two-three~~ lawyer members as Committee vice chairs.

(b) Committee chair. The Committee chair shall supervise the Committee and screening panels. The chair is responsible to maintain an adequate check on the work of the screening panels to ensure that matters move forward expeditiously, to determine that screening panels have a uniform basis for the judgments rendered, and to provide the screening panels with information concerning ethics and judicial decisions necessary to their activities. The chair shall make recommendations to the Supreme Court concerning appointments to and removals from the screening panels and reports concerning the activities of the screening panels and the overall work of the Committee.

(c) Vice chairs. The Committee vice chairs shall act in the event of the chair's absence or resignation. In the event of the chair's absence or resignation, a vice chair will become the chair. The chair may call upon ~~either any~~ vice chair to assist in any of the Committee chair's duties.

(d) Screening panels, quorums. The Committee members, except for the Committee chair and Committee vice chairs, shall be divided into four screening panel sections of six members of the Bar and two public members. The Supreme Court shall name a ~~screening panel chair from and vice chair for each screening panel, who. The chair or, in the absence of the chair, the vice chair~~ shall preside over the screening panel hearings. The panel chair may call upon the vice chair to assist in any of the panel chair's duties. Chairs or vice chairs from other panels may conduct hearings if the regular chair and vice chair are unable to attend. In the event of the chair's removal or resignation, the vice chair will become the chair, and the Court shall appoint a member of the Committee to serve as vice chair. In the absence of the screening panel chair, a screening panel vice chair designated by the screening panel shall preside. Two members of the Bar plus one public member shall constitute a quorum of a screening panel. The concurrence of a majority of those members present and voting at any proceeding shall be required for a screening panel determination. If an even number of screening panel members participate in a proceeding, the chair or vice chair shall not vote unless necessary to break a tie. The chair or vice chair shall, however, fully participate in the proceeding. Each screening panel shall meet as is necessary to effectively and promptly carry out its duties. The entire Committee may be convened at such other times by the chair as necessary to effectively and promptly carry out its duties.

(e) Removal, alternates. The Committee chair may recommend removal of a Committee member by notifying the Supreme Court of the recommendation of removal and reasons for the recommendation. The removal shall take effect upon the Supreme Court's acceptance of the recommendation. . Members of any screening panel may serve as alternate members on different screening panels. The Committee chair and the Committee vice chairs may serve as alternate members on all screening panels.

(f) Responsibilities. Informal complaints shall be randomly assigned to screening panels. The screening panels shall review, investigate, and hear all informal complaints charging unethical and/or unprofessional conduct against members of the Bar. After such review, investigation, hearing and analysis, the screening panels shall determine the action to be taken on any informal complaint which, based upon the facts of the particular case, is most consistent with the public interest and the Rules of Professional Conduct.

(g) Subpoena. Any party or a screening panel, for good cause shown, may petition under seal the district court for issuance of a subpoena, subpoena duces tecum or any order allowing discovery prior to the filing of a formal complaint. Except for good cause shown, all petitions under this rule shall require a five-day written notice to the opposing party prior to the issuance of an appropriate order of subpoena.

(g)(1) Enforcement of subpoena. A district court in the district in which the attendance or production is required may, upon proper application, enforce the attendance and testimony of any witnesses and the production of any documents subpoenaed.

(g)(2) Quashing subpoena. Any attack on the validity of a subpoena so issued shall be heard and determined by the Committee chair or by the court wherein enforcement of the subpoena is being sought. Any resulting order is not appealable prior to the entry of a final order in the proceeding.

(g)(3) Witnesses and fees. Subpoena fees, witness fees, and mileage shall be reimbursed in the amounts provided under Rule 45 of the Utah Rules of Civil Procedure.

(h)(1) Committee and OPC as screening panel secretary. OPC counsel shall be the secretary to the Committee and is charged with the responsibility of the administrative affairs of the Committee, the handling of the screening panel calendars, giving notice to screening panel members and members of the Bar whose attendance is requested, notifying those who have filed informal complaints of the times and dates their matters will be heard, and otherwise performing or providing the secretarial and administrative functions of the Committee and screening panels. Except as otherwise provided in this article, whenever OPC counsel may be present before a screening panel during a hearing, the respondent may also be present.

(h)(2) OPC counsel shall within three months after the filing of an informal complaint of unprofessional or unethical conduct of a respondent, advise the party making the informal complaint concerning the initial consideration of the informal complaint, and shall promptly advise such party in writing of the subsequent disposition of the informal complaint and the reasons therefor.

(i) Annual report. Senior counsel shall prepare and submit an annual report to the Supreme Court and the Board encompassing the scope and nature of the Committee work. The report shall be submitted on or about August 1 of each year for the preceding fiscal year and shall set forth the number of disciplinary cases investigated, the number brought before the Committee, formal complaints filed, dispositions, cases dismissed, informal ethics opinions issued, diversionary dispositions and such other information as may be helpful to the Supreme Court in comprehending the operations of the OPC as well as the efficiency and effectiveness of the disciplinary system. Such report may contain Committee

75 recommendations for rule amendments or changes in Committee procedure. The chair and senior
76 counsel shall annually consult with the Board and the Supreme Court regarding the level of activity and
77 general standing of disciplinary matters and procedures.
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